

REMARKS

This Reply and Amendment is intended to be fully responsive to the Office Action dated January 14, 2003.

Status of Claims

Claims 32-73 were pending in the Application. Claims 32-73 stand rejected. Claims 63 and 69 were indicated as being allowable. Claims 32, 43, 64, 69, and 70 are independent claims. Claims 33-42 depend from independent Claim 32. Dependent Claims 44-63 depend from independent Claim 43. Dependent Claims 65-68 depend from independent Claim 64. Dependent Claims 71-73 depend from independent Claim 70. Claims 32, 41, 43, 44, 52, 53, 63, 64, and 67-70 have been amended. Claims 74 and 75 have been added. Claims 32-75 are now pending in this Application.

Telephonic Interview

The Applicants thank the Examiner for the telephonic interview on April 8, 2003 and the Interview Summary mailed on April 9, 2003 and faxed on April 11, 2003. During the Interview, the Applicants pointed out to the Examiner that the cited references did not disclose a system and method of providing a knowledge management solution in the form of an office space layout, e.g. including a workstations, office furniture, and the like. No agreement was reached during the Interview.

Claim Rejections – 35 U.S.C. § 101

The Examiner stated that in Section 3 of the Office Action, the Examiner rejected Claims 64, 65, 67-73 "because the claimed invention is directed to non-statutory subject matter." The Examiner stated:

claims 64, 65, 67 – 73 only recite an abstract idea. The recited steps of merely classifying an individual in a work environment as a member of a work pattern group do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of a person or by use of a pencil and paper and without the need of a computer or other technology. These steps only constitute an idea of how to classify a person in a work

environment into a predefined group based on various characteristics.

However, the Examiner acknowledged that "the recited process produces a useful, concrete, and tangible result"

Independent Claim 64 (as amended) now recites a "method of classifying an individual in a work environment as a member of at least one of a plurality of work pattern groups corresponding to at least one of a plurality of work patterns based on work pattern data associated with the individual for use in organizational planning such as providing an office space layout for the individual to facilitate knowledge management in the work environment". Dependent Claims 65, 67, and 68 depend from independent Claim 64.

Independent Claim 69 (as amended) now recites a "method of classifying an individual in a work environment as a member of at least one of a plurality of work pattern groups comprising a first group, a second group, a third group, a fourth group, a fifth group, and a sixth group, for use in organizational planning involving the individual within the work environment".

Independent Claim 70 (as amended) now recites a "method for providing an office space layout for an individual in a work environment to facilitate knowledge management". Dependent Claims 71-73 depend from independent Claim 70.

Independent Claims 64, 69 and 70, as amended, now each recite a claimed invention within the technological arts. Claims 64 and 70 now recite the use of the claimed invention in providing an "office space layout" in a work environment; Claim 69 now recites the use of the claimed invention in "organizational planning . . . within the work environment".

Applicants respectfully request withdrawal of the rejection of Claims 64, 65, 67-73 under 35 U.S.C. § 101.

Claim Rejections – 35 U.S.C. § 112 ¶ 2

In Section 5 of the Office Action, the Examiner rejected Claims 41 and 63 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and

distinctly claim the subject matter which the Applicants regard as the invention. The Examiner stated that:

Claim 41 recites the limitation "the diagnostic engine" and depends upon claim 32, which does not mention a diagnostic engine. There is insufficient antecedent basis for this limitation in the claim.

Claim 41 has been amended to depend from dependent Claim 40 to provide antecedent basis for "the diagnostic engine."

Claim 63 refers to various groups as if they were presented in the claim from which 63 depends, which is claim 43. However, claim 43 does not mention any groups. Examiner believes Applicant meant claim 63 to depend upon claim 47. Additionally, claim 63 would be considered allowable if its dependency was corrected to depend upon claim 47.

Claim 63 has been amended to depend from dependent Claim 47 to provide proper antecedent basis as suggested by the Examiner.

The Applicants request withdrawal of the rejection of Claims 41 and 63 under 35 U.S.C. § 112 ¶ 2.

Allowable Subject Matter

In Section 6 of the Office Action, the Examiner stated that "Claim 69 would be considered allowable if it overcomes the 101 rejections above."

Claim 69 has been amended to overcome the rejection under 35 U.S.C. § 101.

The Examiner also stated that "Claim 63 would be considered allowable if it overcomes the 112 rejections above."

Claim 63 has been amended to overcome the rejection under 35 U.S.C. § 112 ¶ 2.

The Examiner also provided the following reasons for allowance:

None of the prior art of record, taken individually or in any combination, teach, inter alia, a method of classifying an individual in a work environment as a member of at least one of a plurality of work pattern groups comprising a first group, a second group, a third group, a fourth group, a fifth group, and a sixth group, the method comprising: measuring a work characteristic of the individual associated with performance of work by the individual; and identifying the individual as a member of at least one of the plurality of work pattern groups based on the work characteristic measured for the individual; wherein work characteristics associated with the first group include a tight work focus, highly protocolled work processes, and a low degree of interaction with other individuals in the work environment; wherein work characteristics associated with the second group include a contextual work focus, moderately protocolled work processes, and a moderate degree of interaction with other individuals in the work environment; wherein work characteristics associated with the third group include a wide work focus, logistics-oriented work processes, and a high degree of interaction with other individuals in the work environment; wherein work characteristics associated with the fourth group include a wide work focus, highly variable work processes, and a high degree of interaction with other individuals in the work environment; wherein work characteristics associated with the fifth group include a contextual work focus, moderately variable work processes, and a moderate degree of interaction with other individuals in the work environment; and wherein work characteristics associated with the sixth group include a tight work focus, well-defined work processes, and a low degree of interaction with other individuals in the work environment.

While the Applicants agree that the allowable claims recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance in connection with the present Application or in any other future proceeding.

Claim Rejections – 35 U.S.C. § 103(a)

A. Section 9 of the Office Action – Claims 32-36, 42, and 64-66

In Section 9 of the Office Action the Examiner rejected Claims 32-36, 42, and 64-66 as being obvious over U.S. Patent No. 6,338,042 titled "METHOD AND APPARATUS FOR INTEGRATING COMPETENCY MEASURES IN COMPENSATION DECISIONS" issued on January 8, 2002 to Paizis ("Paizis") (a single reference) under 35 U.S.C. § 103(a).

Paizis is directed to a "method and apparatus for integrating competency measures in compensation decisions." "Relative rankings are produced for the group of individuals based at least in part upon an analysis of the indications of performance, and are compared to distribution data that is relevant to the common role. The comparison of the relative rankings to the distribution data is used to determine a suggested level of compensation for each individual in the group of individuals" (see Abstract). Paizis does not make any reference to office space.

1. Independent Claim 32

Claim 32 (as amended) is in independent form and recites a "tool for classifying an individual within an organization based on work pattern data obtained from the individual for use in providing an office space layout for the individual to facilitate knowledge management based on the classification of the work pattern data" comprising, in combination with other elements, "a system for correlating the work pattern data from the individual with at least one work pattern," wherein "the office space layout for the individual comprises at least one of a workstation, a storage product, office furniture or office supply products selected according to the classification of the individual within the at least one work pattern group." Claims 33-36 and 42 depend from independent Claim 32 (as amended).

Paizis does not disclose, teach, or suggest the "tool for classifying an individual within an organization based on work pattern data obtained from the individual for use in providing an office space layout for the individual to facilitate

knowledge management based on the classification of the work pattern data" recited in Claim 32 (as amended).¹

Paizis alone or in any proper combination does not disclose, teach or suggest a "tool for classifying an individual within an organization based on work pattern data obtained from the individual for use in providing an office space layout for the individual to facilitate knowledge management based on the classification of the work pattern data" comprising, in combination with other elements, "a system for correlating the work pattern data from the individual with at least one work pattern", wherein "the office space layout for the individual comprises at least one of a workstation, a storage product, office furniture or office supply products selected according to the classification of the individual within the at least one work pattern group." To transform or modify the system for making "compensation" or "payment" decisions of Paizis into a "tool for classifying an individual within an organization based on work pattern data obtained from the individual for use in providing an office space layout for the individual to facilitate knowledge management based on the classification of the work pattern data" (as recited in Claim 32) would require still further modification, and such modification is taught only by the Applicants' own disclosure. The suggestion has been taken from the Applicants' own specification (using hindsight), which is improper.

The "tool for classifying an individual within an organization based on work pattern data obtained from the individual for use in providing an office space layout for the individual to facilitate knowledge management based on the classification of the work pattern data" recited in independent Claim 32 (as amended), considered as a whole, would not have been obvious in view of Paizis. The rejection of Claims 32 over Paizis under 35 U.S.C. § 103(a) is improper. Claim 32 (as amended) is patentable over Paizis.

¹ The Examiner acknowledged that Paizis does not disclose "the work pattern data used to classify the individual within at least one work pattern group comprises (a) an amount of interaction by the individual with other individuals, (b) a degree to which work performed by the individual is focused, or (c) a degree to which work performed by the individual adheres to a defined procedure."

Dependent Claims 33-36 and 42, which depend from independent Claim 32 (as amended), are patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 32-36 and 42 under 35 U.S.C. § 103(a).

2. Independent Claim 64

Claim 64 (as amended) is in independent form and recites a "method of classifying an individual in a work environment as a member of at least one of a plurality of work pattern groups corresponding to at least one of a plurality of work patterns based on work pattern data associated with the individual for use in organizational planning such as providing an office space layout for the individual to facilitate knowledge management in the work environment" comprising, in combination with other elements, "classifying the individual as a member of at least one of the work pattern groups based on the correlation between work pattern data and at least one of the plurality of work patterns" wherein "the office space layout for the individual comprises at least one of a workstation, a storage product, office furniture or office supply products selected according to the classification of the individual within the at least one work pattern group." Claims 65 and 66 depend from independent Claim 64 (as amended).

Paizis does not disclose, teach, or suggest the "method of classifying an individual in a work environment as a member of at least one of a plurality of work pattern groups corresponding to at least one of a plurality of work patterns based on work pattern data associated with the individual for use in organizational planning such as providing an office space layout for the individual to facilitate knowledge management in the work environment" recited in Claim 64 (as amended).²

² The Examiner acknowledged that Paizis does not disclose "measuring first work pattern data of the individual representative of a degree of interaction between the individual and other individuals in the work environment; measuring second work pattern data of the individual representative of a degree of focus associated with work performed by the individual in a work environment; and measuring third work pattern data of the individual representative of a degree of protocol governing the work performed by the individual in the work environment."

Paizis alone or in any proper combination does not disclose, teach or suggest a "method of classifying an individual in a work environment as a member of at least one of a plurality of work pattern groups corresponding to at least one of a plurality of work patterns based on work pattern data associated with the individual for use in organizational planning such as providing an office space layout for the individual to facilitate knowledge management in the work environment" comprising, in combination with other elements, "classifying the individual as a member of at least one of the work pattern groups based on the correlation between work pattern data and at least one of the plurality of work patterns" wherein "the office space layout for the individual comprises at least one of a workstation, a storage product, office furniture or office supply products selected according to the classification of the individual within the at least one work pattern group". To transform or modify the system for making "compensation" or "payment" decisions of Paizis into a "method of classifying an individual in a work environment as a member of at least one of a plurality of work pattern groups corresponding to at least one of a plurality of work patterns based on work pattern data associated with the individual for use in organizational planning such as providing an office space layout for the individual to facilitate knowledge management in the work environment" (as recited in Claim 64) would require still further modification, and such modification is taught only by the Applicants' own disclosure. The suggestion has been taken from the Applicants' own specification (using hindsight), which is improper.

The "method of classifying an individual in a work environment as a member of at least one of a plurality of work pattern groups corresponding to at least one of a plurality of work patterns based on work pattern data associated with the individual for use in organizational planning such as providing an office space layout for the individual to facilitate knowledge management in the work environment" recited in independent Claim 64 (as amended), considered as a whole, would not have been obvious in view of Paizis. The rejection of Claim 64 over Paizis under 35 U.S.C. § 103(a) is improper. Claim 64 (as amended) is patentable over Paizis.

Dependent Claims 65 and 66 which depend from independent Claim 64 (as amended), are patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 64-66 under 35 U.S.C. § 103(a).

B. Section 10 of the Office Action – Claims 37-41

In Section 10 of the Office Action the Examiner rejected Claims 37-41 as being obvious over Paizis in view of U.S. Patent No. 5,551,880 titled "EMPLOYEE SUCCESS PREDICTION SYSTEM" issued on September 3, 1996 to Bonnstetter et al. ("Bonnstetter et al.") under 35 U.S.C. § 103(a).³

Dependent Claims 37-41 depend from independent Claim 32. Independent Claim 32 is not subject to rejection over Paizis in view of Bonnstetter et al. under 35 U.S.C. § 103(a). By establishing patentability of independent Claim 32 under 35 U.S.C. § 103(a), any rejection of dependent Claims 37-41 under 35 U.S.C. § 103(a) would be overcome. See 35 U.S.C. § 112 ¶ 4.

Independent Claim 32 (as amended) is patentable over Paizis under 35 U.S.C. § 103(a).

Dependent Claims 37-41, which depend from independent Claim 32 (as amended), are patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 37-41 under 35 U.S.C. § 103(a).

C. Section 11 of the Office Action – Claims 43-62

In Section 11 of the Office Action the Examiner rejected Claims 43-62 as being obvious over U.S. Patent No. 6,070,143 titled "SYSTEM AND METHOD FOR ANALYZING WORK REQUIREMENTS AND LINKING HUMAN RESOURCE PRODUCTS

³ Bonnstetter et al. is directed to a "employee success prediction system." The system is "for predicting potential of success of an individual for a particular job or task" (see Abstract). "Behavioral and values information is derived from the individual" and "then analyzed and compared against standards for behavior and values previously calculated for the specific job" (see Abstract). "An evaluation can then be made of the applicant's responses to the standards to predict success of a perspective employee for the particular job, or to attempt to improve performance of a current employee for a specific job" (see Abstract; col. 25, lines 35-40). Bonnstetter et al. does not make any reference to office space.

TO JOBS" issued on May 30, 2000 to Barney et al. ("Barney et al.") (a single reference) under 35 U.S.C. § 103(a).

Barney et al. is directed to a "system and method for analyzing work requirements and linking human resource products to jobs" in the form of a "job analysis system and method of operating a computer" (see Abstract). The "job analysis system" includes a "master job analysis database," a "products database containing human resource products," and a "knowledge management module" (see Abstract). The "master job analysis database" contains "dimensions" and "dimension job analysis survey portions associated therewith" (see Abstract). The "knowledge management module" includes a "survey assembly program that allows a user to select ones of the work-oriented, worker-oriented and work context dimensions from the master job analysis database and creates a job analysis survey from the associated ones of the job analysis survey portions" and a "survey analysis program that allows the user to identify key worker-oriented dimensions and links the key worker-oriented dimensions to the human resource products in the product database" (see Abstract). Barney et al. does not make any reference to office space.

Claim 43 (as amended) is in independent form and recites a "system for providing an office space layout for an individual in a work environment to facilitate knowledge management" comprising, in combination with other elements, a "diagnostic tool" wherein "the diagnostic tool correlates the work pattern data with at least one of the work patterns and defines a personal profile for the individual based on the correlation and wherein the prescription tool recommends office space layout for the individual based on the personal profile." Claims 44-62 depend from independent Claim 43 (as amended).

Barney et al. does not disclose, teach, or suggest the "system for providing an office space layout for an individual in a work environment to facilitate knowledge management" recited in Claim 43 (as amended).⁴

⁴ The Examiner acknowledged that Barney et al. does not disclose "performing the knowledge management solution for an individual; rather, Barney et al. discloses performing the knowledge management solution for particular jobs and tasks to be performed by an individual."

Barney et al. alone or in any proper combination does not disclose, teach or suggest a "system for providing an office space layout for an individual in a work environment to facilitate knowledge management" comprising, in combination with other elements, a "diagnostic tool" wherein "the diagnostic tool correlates the work pattern data with at least one of the work patterns and defines a personal profile for the individual based on the correlation and wherein the prescription tool recommends office space layout for the individual based on the personal profile." To transform or modify the system for "linking human resource products to the assessed jobs" of Barney et al. into a "system for providing an office space layout for an individual in a work environment to facilitate knowledge management" (as recited in Claim 43) would require still further modification, and such modification is taught only by the Applicants' own disclosure. The suggestion has been taken from the Applicants' own specification (using hindsight), which is improper.

The "system for providing an office space layout for an individual in a work environment to facilitate knowledge management" recited in independent Claim 43 (as amended), considered as a whole, would not have been obvious in view of Barney et al. The rejection of Claim 43 over Barney et al. under 35 U.S.C. § 103(a) is improper. Claim 43 (as amended) is patentable over Barney et al.

Dependent Claims 44-62, which depend from independent Claim 43 (as amended), are patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 43-62 under 35 U.S.C. § 103(a).

D. Section 12 of the Office Action – Claims 67, 68, and 70-73

In Section 12 of the Office Action the Examiner rejected Claims 67, 68, and 70-73 as being obvious over Paizis in view of Barney et al. under 35 U.S.C. § 103(a).

Paizis is directed to a "method and apparatus for integrating competency measures in compensation decisions." "Relative rankings are produced for the group of individuals based at least in part upon an analysis of the indications of performance,

and are compared to distribution data that is relevant to the common role. The comparison of the relative rankings to the distribution data is used to determine a suggested level of compensation for each individual in the group of individuals" (see Abstract). Paizis does not make any reference to office space.

Barney et al. is directed to a "system and method for analyzing work requirements and linking human resource products to jobs" in the form of a "job analysis system and method of operating a computer" (see Abstract). The "job analysis system" includes a "master job analysis database," a "products database containing human resource products," and a "knowledge management module" (see Abstract). The "master job analysis database" contains "dimensions" and "dimension job analysis survey portions associated therewith" (see Abstract). The "knowledge management module" includes a "survey assembly program that allows a user to select ones of the work-oriented, worker-oriented and work context dimensions from the master job analysis database and creates a job analysis survey from the associated ones of the job analysis survey portions" and a "survey analysis program that allows the user to identify key worker-oriented dimensions and links the key worker-oriented dimensions to the human resource products in the product database" (see Abstract). Barney et al. does not make any reference to office space.

1. Dependent Claims 67 and 68

Dependent Claims 67 and 68 depend from independent Claim 64. Independent Claim 64 is not subject to rejection over Paizis in view of Barney et al. under 35 U.S.C. § 103(a). By establishing patentability of independent Claim 64 under 35 U.S.C. § 103(a), any rejection of dependent Claims 67 and 68 under 35 U.S.C. § 103(a) would be overcome. See 35 U.S.C. § 112 ¶ 4.

Claim 64 (as amended) is patentable over Paizis under 35 U.S.C. § 103(a)

Dependent Claims 67 and 68, which depend from independent Claim 64 (as amended), are patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request the withdrawal the rejection of Claims 67 and 68 under 35 U.S.C. § 103(a).

2. Independent Claim 70

Claim 70 (as amended) is in independent form and recites a "method for providing an office space layout for an individual in a work environment to facilitate knowledge management" comprising, in combination with other elements, "correlating the work pattern data with at least one of the group of characteristics corresponding to at least one of the plurality of work pattern groups" and "classifying the individual as a member of at least one of the work pattern groups based on the correlation" wherein "the office space layout for the individual comprises at least one of a workstation, a storage product, office furniture or office supply products selected according to the classification of the individual within the at least one work pattern group." Claims 71-73 depend from independent Claim 70 (as amended).

Paizis does not disclose, teach, or suggest the "method for providing an office space layout for an individual in a work environment to facilitate knowledge management" recited in Claim 70 (as amended).⁵

Barney et al. does not disclose, teach, or suggest the "method for providing an office space layout for an individual in a work environment to facilitate knowledge management" recited in Claim 70 (as amended).

Paizis alone or in any proper combination with Barney et al. does not disclose, teach or suggest a "method for providing an office space layout for an individual in a work environment to facilitate knowledge management" comprising, in combination with other elements, "correlating the work pattern data with at least one of the group of characteristics corresponding to at least one of the plurality of work pattern groups" and "classifying the individual as a member of at least one of the work pattern groups based on the correlation" wherein "the office space layout for the individual comprises at least one of a workstation, a storage product, office furniture or office supply products selected according to the classification of the individual within

⁵ The Examiner acknowledged that Paizis does not disclose "collecting work pattern data associated with the individual relating to at least one of a group of characteristics comprising (a) an amount of interaction by the individual with other individuals, (b) a degree to which work performed by the individual is focused, or (c) a degree to which work performed by the individual adheres to a defined procedure; or recommending a knowledge management solution for the individual based on the defined personal profile."

the at least one work pattern group." To transform the system for making "compensation" or "payment" decisions of Paizis and the system for "linking human resource products to the assessed jobs" of Barney et al. into a "method for providing an office space layout for an individual in a work environment to facilitate knowledge management" (as recited in Claim 70) would require still further modification, and such modification is taught only by the Applicants' own disclosure. The suggestion to make the combination of Paizis and Barney et al. has been taken from the Applicants' own specification (using hindsight), which is improper.

The "method for providing an office space layout for an individual in a work environment to facilitate knowledge management" recited in independent Claim 70 (as amended), considered as a whole, would not have been obvious in view of Paizis and/or Barney et al. The rejection of Claim 70 over Paizis in view of Barney et al. under 35 U.S.C. § 103(a) is improper. Claim 70 is patentable over Paizis in view of Barney et al.

Dependent Claims 71-73, which depend from independent Claim 70 (as amended), are patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 70-73 under 35 U.S.C. § 103(a).

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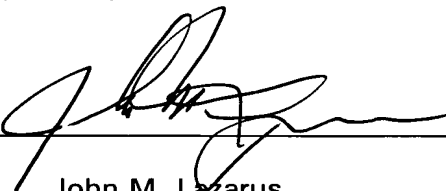
The Applicants respectfully submit that each and every outstanding objection and rejection has been overcome, and the present Application is in a condition for allowance. The Applicants request reconsideration and allowance of pending Claims 32-75.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date JUNE 16, 2003

By



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